JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
STEVEN JEFFERIES

DEFENDANTS
ATTORNEY GENERAL JEFFERSON B. SESSIONS, III, ET AL

(b) County of Residence of First Listed Plaintiff Montgomery
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Michael P. Gottlieb, Esquire, Vangrossi and Recchuiti
319 Swede Street, Norristown, PA 19401-4801
(610) 279-4200

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 USC Section 1331

Brief description of cause:
Action to declare 18 U.S.C. Section 922(g)(4) unconstitutional

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE
05/23/2017

SIGNATURE OF ATTORNEY OF RECORD
[signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Steven Jefferies, 56 Grange Ave., Collegeville, Montgomery County, PA 19426

Address of Defendant: ~~950 Pennsylvania Ave. NW, Washington DC 20530~~

Place of Accident, Incident or Transaction: ____________________

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No☐X

Does this case involve multidistrict litigation possibilities? Yes☐ No☐XX

RELATED CASE, IF ANY:
Case Number: ____________ Judge ____________ Date Terminated: ____________

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes☐ No☐XX
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes☐ No☐XX
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes☐ No☐XX
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes☐ No☐XX

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐xx All other Federal Question Cases
(Please specify) 28 USC Section 2201, 2202 and 2412, 5 USC Section 702

B. *Diversity Jurisdiction Cases:*

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability – Asbestos
9. ☐ All other Diversity Cases
(Please specify) ____________

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Michael P. Gottlieb, Esq., counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐XX Relief other than monetary damages is sought.

DATE: 05/23/2017 — Michael P. Gottlieb, Attorney-at-Law — 36678, Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/23/2017 — [signature] Attorney-at-Law — 36678, Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

STEVEN JEFFERIES : CIVIL ACTION

v. :

ATTORNEY GENERAL JEFFERSON B. SESSIONS, III, ET AL : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

05/23/2017	[signature]	MICHAEL P. GOTTLIEB PLAINTIFF
Date	**Attorney-at-law**	**Attorney for**
610 279-4200	610-279-4306	Judy.Zona@verizon.net
Telephone	**FAX Number**	**E-Mail Address**

Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track

(a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.

(b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

(c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.

(d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.

(e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

STEVEN JEFFERIES : No.

VS.

Attorney General Jefferson B. Sessions, III and :
Department of Justice and United States :
Bureau of Alcohol, Tobacco, Firearms and :
Explosives and Thomas E. Brandon, :
Deputy Director of the ATF and :
Ronald B. Turk, Associate Deputy Director/ :
Chief Operating Office of the ATF and :
Federal Bureau of Investigation and :
Andrew McCabe, Acting Director of the FBI :
and United States of America :

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

AND NOW, comes the plaintiff, Steven Jefferies, an adult individual by and through his attorney, Michael P. Gottlieb, Esquire and for his Complaint states unto this Honorable Court as follows:

INTRODUCTION

1. This is an action to uphold the constitutional right to keep and bear arms, which "guarantee[s] the individual right to possess and carry firearms" elevates above all interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home. District of Columbia v. Heller, 554 U.S. 570, 128 Supreme Court 2783, 2797, 2821 (2008).

2. However, in contravention to plaintiff's fundamental Second Amendment right to keep and bear arms, defendants have collectively and separately prohibited a certain class of individuals from obtaining and possessing firearms; specifically, individuals who have been involuntarily committed and are prohibited from acquiring or possessing a

firearm under 18 U.S.C. Section 922 (g)(4) are not afforded any means to demonstrate following their release from commitment their fitness to regain their Second Amendment right to acquire and possess a firearm.

3. This ban on individuals acquiring and possessing firearms based solely on the fact of a past involuntary commitment is an overbroad infringement on the Second Amendment because there is no reasonable procedure pursuant to which an individual could regain their Second Amendment rights upon demonstrating their current mental and emotional fitness.

4. As a consequence of this overbroad ban, sane, trustworthy, competent individuals that are not a threat to themselves or others and are not in any way mentally ill are forever prohibited from exercising their Second Amendment rights but for the bare fact of a one time involuntary commitment without consideration of the individual's present circumstances.

THE PARTIES

5. Plaintiff, Steven Jefferies, is a natural person, a citizen of the United States who resides at 56 Grange Avenue, Collegeville, Montgomery County, Pennsylvania. Plaintiff is not a risk to himself or to other people but was involuntarily committed on October 5, 2001 pursuant to Section 302 of the Mental Health Procedures Act.

6. Defendant, Attorney General Jefferson B. Sessions, III heads the United States Department of Justice (Department of Justice), with an address of 950 Pennsylvania Avenue NW, Washington DC 20530, which is the United States agency responsible for enforcement of federal criminal laws. Defendant Sessions, in his capacity as Attorney General is presently enforcing the unconstitutionally broad ban complained of in this Complaint. Defendant Sessions also has ultimate authority for

supervising all of the functions of the Department of Justice and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) which is an arm of the Department of Justice.

7. Defendant Department of Justice with an address of 950 Pennsylvania Avenue NW, Washington DC 20530, is the agency principally enforcing the unconstitutionally broad prohibition under 18 U.S.C. Section 922 (g) (4). Preventing plaintiff from obtaining a firearm based on the bare fact of a one time involuntary commitment.

8. Defendant ATF (United States Bureau of Alcohol, Tobacco, Firearms and Explosives) with an office at 99 New York Avenue NW, Washington DC 20226, is the arm of the Department of Justice responsible for prevention of federal offenses involving the use, manufacturer, and possession of firearms, including the unconstitutionally broad ban challenged in this case. Defendant ATF also regulates, via licensing, the sale, possession and transportation of firearms and ammunition in interstate commerce. ATF is currently enforcing the laws, customs, practices and policies complained of in this action.

9. Defendant Thomas E. Brandon is the Deputy Director of the ATF with an office at 99 New York Avenue NW, Washington DC 20226 and, in that capacity, is presently enforcing the laws, customs, practices, and policies complained of in this action.

10. Defendant Ronald B. Turk is the Associate Deputy Director/Chief Operating Office of the ATF with an office at 99 New York Avenue NW, Washington DC 20226 and, in that capacity, is presently enforcing the laws, customs, practices, and policies complained of in this action.

11. Defendant Federal Bureau of Investigation (FBI) with an office at 935 Pennsylvania Avenue NW, Washington DC 20535, is an agency of the Department of Justice and is the agency primarily responsible through its NICS Section of performing background checks for federal, state, and local law enforcement authorities. Defendant FBI's NICS Section is responsible in this case for communicating to the Bucks County, Pennsylvania Sheriff's Department and the Pennsylvania State Police that plaintiff was prohibited from acquiring a firearm by the unconstitutionally overbroad ban complained of in this action. Defendant FBI is presently enforcing the laws, customs, practices and policies complained of in this action.

12. Defendant Andrew McCabe, with an office at 935 Pennsylvania Avenue NW, Washington DC 20535, is the Acting Director of the FBI and, in that capacity, is presently enforcing the laws, customs, practices and policies complained of in this action.

13. Defendant United States of America is a proper defendant in this action pursuant to 5 U.S.C. Section 702.

JURISDICTION AND VENUE

14. This case concerns certain subject matter under the original and exclusive jurisdiction of the Federal Courts of the United States of America.

15. This action seeks relief pursuant to 28 U.S.C. Section 2201, 2202, and 2412, and 5 U.S.C. Section 702. Therefore, jurisdiction is founded on 28 U.S.C. Section 1331 in that this action arises under the Constitution and Laws of the United States.

16. This Court has authority to award costs and attorney's fees pursuant to 28 U.S.C. Section 2412.

17. Venue is proper in this jurisdiction pursuant to 28 U.S.C. Section 1391(e).

STEVEN JEFFERIES' ALLEGATIONS

18. On or about October 5, 2001, plaintiff was involved in a marital dispute with his then wife.

19. Plaintiff believed, rightly or wrongly that his then wife was having an affair.

20. Plaintiff was involved in an altercation with his wife.

21. Wife alleged that plaintiff had threatened or attempted suicide.

22. Wife's allegation was such that she claimed that Mr. Jefferies had threatened to kill himself.

23. On October 5, 2001, plaintiff was involuntarily committed by the Court of Common Pleas of Montgomery County, Pennsylvania for a period not to exceed 72 hours pursuant to the Pennsylvania Mental Health Procedures Act 50 P.S. Section 302. A true and correct copy of the commitment order is attached hereto, incorporated herein and marked as Exhibit "A".

24. On October 9, 2001, plaintiff was involuntarily committed by the Order of the Court of Common Pleas of Montgomery County for a period not to exceed 20 days of outpatient treatment. A true and correct copy of the Order is attached hereto, incorporated herein and marked as Exhibit "B".

25. On October 9, 2001, he was discharged after having been recommitted for a period of up to 20 days outpatient treatment pursuant to Section 303 of the Mental Health Procedures of Act.

26. The primary reason for commitment was an alleged risk that plaintiff was a danger to himself due to his emotional state.

27. At that time, defendant was hospitalized at Montgomery County Emergency Services, 50 Beech Drive, Norristown, Pennsylvania 19403.

28. Plaintiff's experience at this mental health facility was horrendous to say the least.

29. Plaintiff filed a petition in the Court of Common Pleas of Montgomery County to have his firearm rights restored pursuant to 18 Pa. C.S. Section 6105(c)(4).

30. On January 16, 2004, the Montgomery County Court of Common Pleas granted him relief from the firearms prohibition and determined that plaintiff was capable of possessing firearms without posing a danger to himself or others. A true and correct copy of the Order is attached hereto, incorporated herein and marked as Exhibit "C".

31. Subsequent to that Order being signed by the Court of Common Please of Montgomery County, petitioner began to use his firearms again and later attempted to purchase a firearm but failed the Pennsylvania Instant Check System background check which he did not understand

32. Convinced that the authorities may have been mistaken, he later attempted to renew his concealed carry license for his .32 caliber Derringer.

33. Petitioner then learned that he was a prohibited person pursuant to 18 U.S.C. Section 922(g)(4).

34. Plaintiff is 52 years of age and is currently employed as a self-employed landscaper and has one child.

35. Plaintiff has not had mental health treatment since the above time in 2001.

36. Plaintiff graduated from Plymouth Whitemarsh High School in 1984.

37. Plaintiff attended tech school in high school for automotive repairs.

38. Plaintiff worked for Conicelli, a large local car dealership for 25 years as a mechanic.

39. Conicelli sent plaintiff to school to specialize in electronics and other areas.

40. Prior to his mental health commitment, plaintiff took a hunter safety class at age 12 as required by law.

41. Plaintiff was taught firearms safety and marksmanship by his father.

42. Plaintiff was an avid deer hunter both with a rifle and a bow until he learned that he was not allowed to possess firearms.

43. Consequently, plaintiff currently hunts deer with a Matthews compound bow.

44. Plaintiff is a former member at the Lower Providence Rod and Gun Club where he would shoot trap until he learned that he was a prohibited person.

45. Plaintiff learned that he became a prohibited person when he went to renew his concealed carry license which was for the carry of his 32 caliber Derringer.

46. Until learning that he was a prohibited person, plaintiff consistently hunted and used and carried firearms both for recreation and for personal protection.

47. There were never any incidents of plaintiff being anything other than safe and appropriately handling his firearms either while carrying his small hand gun or while hunting.

48. Plaintiff intends to acquire firearms for personal protection and for recreation but is prevented from doing so by the defendants' enforcement of the unconstitutionally broad ban complained of in this action. Specifically, defendants have not permitted plaintiff to demonstrate his current fitness and have instead prevented him from owning or possessing a firearm based solely on the one time 2001 commitment. Plaintiff has in

fact been unable to purchase or possess a firearm and fears arrest, criminal prosecution, incarceration and fines if he were to do so.

THE LAW

49. 18 U.S.C. Section 922 provides the following:

> (g) it shall be unlawful for any person - (4) who has been adjudicated as a mentally defective or who has been committed to a mental institution;... to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

50. Under 18 U.S.C. Section 925 (c), an individual prohibited from acquiring a firearm may apply to the Attorney General for relief from the prohibition, which the Attorney General may grant "if the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest."

51. Defendant ATF has promulgated a Rule detailing the manner that a review under 18 U.S.C. Section 925 (c) may be sought. 27 C.F.R. Section 478.144(2011).

52. However, notwithstanding the provisions of 18 U.S.C. Section 925(c) and 27 C.F.R. Section 478.144(2011) which purports to provide a means to request relief for an individual from acquiring a firearm, United States Congress has specifically denied any funding "to investigate or act upon applications for relief from federal firearms disabilities under 18 U.S.C. Section 922(6)." The Consolidated Appropriations Act, 2010, Public Law No. 111-117, 123 stat. 3034, 3128.

53. Due to lack of funding, the Defendant ATF does not in fact provide any review under 18 U.S.C. Section 925(c) to provide relief from a federal prohibition on acquiring or possessing a firearm.

54. Because Defendant ATF does not provide a review for relief from a federal prohibition on acquiring or possessing a firearm, plaintiffs cannot avail themselves of any federal procedure to regain their Second Amendment rights on the grounds that they do not present a threat to themself or others.

55. Under the NICS Improvement Amendments Act of 2007 (NIAA), Congress provided an alternate route for relief from a federal prohibition on acquiring a firearm in which the various states may elect to provide an ATF approved program to review, approve, or deny applications for such relief. NICS Improvement Amendments Act of 2007, Public Law 110-180, 121 stat. 2559, 2569-70.

56. To date, the Commonwealth of Pennsylvania has failed to institute such an ATF approved program, and plaintiffs cannot therefore avail themselves of any state or federal procedure providing relief from a federal prohibition on acquiring a firearm.

COUNT I - SECOND AMENDMENT VIOLATION

57. Plaintiff hereby incorporates by reference Paragraphs 1 through 61 above as if more fully set forth herein.

58. Defendants Attorney General Jefferson B. Sessions, III; Department of Justice; United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); Thomas E. Brandon; Ronald B. Turk; Federal Bureau of Investigation (FBI); Andrew McCabe; United States of America together and separately, violated plaintiffs' Second Amendment rights.

59. 18 U.S.C. Section 922(g)(4) prohibits any individual who has ever been involuntarily committed without regard for the reason for the commitment or the present circumstances of the individual from purchasing or possessing a firearm.

60. Notwithstanding 18 U.S.C. Section 925(c) no federal relief from the federal prohibition under 18 U.S.C. Section 922(g)(4) in fact exists due to explicit congressional denial of any use of funds for such relief.

61. Notwithstanding NIAA, no state relief from the federal prohibition under 18 U.SC. Section 922(g)(4) exists in the Commonwealth of Pennsylvania due to the Commonwealth's failure to provide for a procedure for such relief.

62. These federal laws and policies prohibiting plaintiff from acquiring a firearm and providing for no review of the prohibition because of lack of federal funding and reliance upon a non-existing state program constitutes an overbroad infringement and an impermissibly burdens plaintiff's right to keep and bear arms under the Second Amendment to the United States Constitution.

63. As a direct and proximate result of the above infringement and impermissible burden on plaintiff's Second Amendment rights, plaintiff has suffered and continues to suffer from an unlawful deprivation of his fundamental constitutional right to keep and bear arms.

64. Plaintiff has incurred attorney's fees and costs as a direct result of prosecuting the present court action.

COUNT II - FIFTH AMENDMENT DUE PROCESS VIOLATION

65. Plaintiff hereby incorporates by reference Paragraphs 1 through 64 above as if more fully set forth herein.

66. Defendants Attorney General Jefferson B. Sessions, III; Department of

Justice; United States Bureau of Alcohol, Tobacco and Explosives (ATF); Thomas E. Brandon; Ronald B. Turk; Federal Bureau of Investigation (FBI); Andrew McCabe; United States of America together and separately, violated plaintiff's rights under the Due Process Clause of the Fifth Amendment.

67. The unconstitutionally broad ban on a certain class of individuals - individuals who have ever been involuntarily committed - acquiring a firearm without providing for a means to seek review and relief from such a ban violates plaintiff's rights to equal protection under the Laws guaranteed under the Due Process Clause of the Fifth Amendment to the United States Constitution.

68. In violation of the plaintiff's right to due process, plaintiff has been deprived of his Second Amendment right to keep and bear firearms without being afforded notice and an opportunity to be heard on the matter prior to the deprivation and/or through a post-deprivation proceeding to seek and obtain relief from the deprivation.

69. As a direct and proximate result of the above infringement and impermissible burden on plaintiff's Second Amendment rights, plaintiff has suffered and continue to suffer from an unlawful deprivation of her fundamental constitutional right to keep and bear arms.

70. Plaintiff has incurred attorney's fees and costs as a direct result of prosecuting the present court action.

WHEREFORE, plaintiff respectfully requests this Honorable Court enter judgment in his favor and against the defendants as follows:

A. Declare that 18 U.S.C. Section 922(g)(4) and its derivative regulations, and all related laws, policies and procedures violate plaintiff's right to keep and bear arms as secured by the Second Amendment to the United States Constitution.

B. Declare that 18 U.S.C. Section 922(g)(4) its derivative regulations, and all related laws, policies and procedures violate plaintiff's right to equal protection and due process under the Due Process Clause of the Fifth Amendment to the United States Constitution.

C. Declare that enforcement of 18 U.S.C. Section 922(g)(4) its derivative regulations, and all related laws, policies and procedures violate plaintiff's rights to equal protection and due process under the Fourteenth Amendment to the United States Constitution.

D. Permanently enjoin the defendants, their officers, agents, servants, employees and all persons in act of concert or participation with them from enforcing against plaintiffs 18 U.S.C. Section 922(g)(4) and all its derivative regulations, and all related laws, policies and procedures that would impede or criminalize plaintiff's exercise of her right to keep and bear arms - unless plaintiff is afforded an opportunity to demonstrate her fitness and thereby seek relief from 18 U.S.C. Section 922(g)(4) and all related laws, derivative regulations, policies and procedures.

E. Award plaintiff's costs and attorney's fees and expenses to the extent permitted under 28 U.S.C. Section 2412.

F. Grant such further relief as the Court deems just and proper.

VANGROSSI AND RECCHUITI

BY:________________________________

MICHAEL P. GOTTLIEB
Attorney ID# 36678
319 Swede Street
Norristown, PA 19401-4801
(610) 279-4200
Attorney for Plaintiff

VERIFICATION

I verify that the facts set forth in the foregoing pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATE: 05/23/17

APPLICATION FOR INVOLUNTARY EMERGENCY EXAMINATION AND TREATMENT

Mental Health Procedures Act of 1976
Section 302

(THE BLANKS BELOW MAY BE COMPLETED FOLLOWING ADMISSION.)

NAME	LAST	FIRST	MIDDLE	AGE / DOB	SEX
	Jeffenes	Steven		AGE 37 DOB 5-13-64	M

ADDRESS	SS#
56 North Grange Ave, Collegeville PA 19426	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

NAME OF COUNTY PROGRAM	NAME OF BSU	BSU NO.
Montgomery County MH/MR Program		461

NAME OF FACILITY	ADMISSION DATE	ADMISSION NO.
Montgomery County Emergency Service, Bldg. 50, Norristown, PA	10-5-01	28171

INSTRUCTIONS

1. Part I must be completed by the person who believes the patient is in need of treatment. If this person is not a physician, police officer, the County Administrator or his delegate, he or she must request authorization or a warrant through the County Administrator.

2. If the authorization or a warrant through the County Administrator is required, call or visit the Office of the County Administrator. Authorization to take a patient for examination without a warrant is to be documented in Part II. If a warrant is required, Part III must be completed by the County Administrator or a person designated by the Administrator to sign the warrants.

3. When the patient is taken to the examination facility, the rights described in Form MH 783-A must be explained. Part IV should be signed by the person who explains these rights to the patient.

4. Part V is to be completed by the County Administrator (or representative) or by the Director of the Facility (or representative) upon arrival of the patient at the facility.

5. Part VI is to be completed by the examining physician.

6. If additional sheets are required at any point in completing this form, note on this form the number of additional sheets which are attached.

7. If the patient is subject to criminal proceedings/detention, briefly describe below.

CRIMINAL PROCEEDINGS/CHARGES/ DETENTION INFORMATION ONLY

EXHIBIT
tabbies
A

IMPORTANT NOTICE

ANY PERSON WHO PROVIDES ANY FALSE INFORMATION ON PURPOSE WHEN HE COMPLETES THIS FORM MAY BE SUBJECT TO CRIMINAL PROSECUTION AND MAY FACE CRIMINAL PENALTIES INCLUDING CONVICTION OF A MISDEMEANOR.

Part I
APPLICATION

I believe that Steven Jefferies
(PERSON'S NAME)

is severely mentally disabled: (Check and complete all applicable for this patient.)

A person is severely mentally disabled when, as a result of mental illness, his/her capacity to exercise self-control, judgment and discretion in the conduct of his/her affairs and social relations or to care for his/her own personal needs is so lessened that he/she poses a clear and present danger of harm to others or to himself or herself.

☐ Clear and present danger to others shall be shown by establishing that within the past 30 days the person has inflicted or attempted to inflict serious bodily harm on another and that there is reasonable probability that such conduct will be repeated. A clear and present danger of harm to others may be demonstrated by proof that the person has made threats of harm and has committed acts in furtherance of the threat to commit harm; or

Clear and present danger to himself shall be shown by establishing that within the past 30 days;

☐ (i) the person has acted in such manner as to evidence that he/she would be unable, without care, supervision and the continued assistance of others, to satisfy his/her need for nourishment, personal or medical care, shelter, or self-protection and safety, and that there is reasonable probability that death, serious bodily injury or serious physical debilitation would ensue within 30 days unless adequate treatment were afforded under the act; or

☑ (ii) the person has attempted suicide and that there is reasonable probability of suicide unless adequate treatment is afforded under this act. For the purpose of this subsection, a clear and present danger may be demonstrated by the proof that the person has made threats to commit suicide and has committed acts which are in furtherance of the threat to commit suicide; or

☐ (iii) the person has substantially mutilated himself/herself or attempted to mutilate himself/herself substantially and that there is the reasonable probability or multilation unless adequate treatment is afforded under this act. For the purposes of this subsection, a clear and present danger shall be established by proof that the person has made threats to commit multilation and has committed acts which are in furtherance of the threat to commit mutilation.

escribe in detail the specific behavior within the last 30 days which supports your belief (include location, date d time whenever possible, and state who observed the behavior):

husband has become suspicious of my behavier and followed me to our local football game where I was with our 8 year old daughter. ~~He~~ never knew he was there until leaving. He followed me and proceded to bump the back of my car as I was turning onto our street. An arguement followed. He told me that he had been practicing how to

CONTINUED ON REVERSE SIDE ☐

understand that I may be required to testify at a court hearing concerning the information I gave.

n the basis of the information I gave above, I believe that Steven Jefferies (PERSON'S NAME)

in need of involuntary examination and treatment. I request that: (Check A or B – Notice that B can only be ecked by a physician, a police officer, the County Administrator or his/her delegate).

A. ☒ The County Administrator issue a warrant authorizing a policeman or someone representing the County Administrator or take the patient to a facility for examination and treatment.

[signature] — SIGNATURE OF APPLICANT

10-4-01 — DATE

Jennifer Jefferies — PRINT NAME AND ADDRESS OF APPLICANT

610-630-4124 — TELEPHONE NO.

B. ☐ That this facility examine the patient to determine his/her need for treatment.

SIGNATURE OF PHYSICIAN, POLICE OFFICER, COUNTY ADMINISTRATOR, OR REPRESENTATIVE

DATE

PRINT NAME AND TITLE OF PHYSICIAN, POLICE OFFICER, COUNTY ADMINISTRATOR OR REPRESENTATIVE

TELEPHONE NO.

ADDRESS

PART II

Authorization for Transportation to an Approved Facility for Examination Without a Warrant (Under Section 302(a) (2))

For use in emergency situations when the Administrator orally authorizes a responsible person to take a patient to a designated facility for examination without a warrant. When such authorization of a County Administrator or designee is obtained by telephone, the documentation below is required:

NAME OF PERSON REQUESTING AUTHORIZATION

DATE/TIME OF CALL/AUTHORIZATION

REASON FOR ORAL AUTHORIZATION

NAME AND TITLE OF PERSON GIVING THE AUTHORIZATION

I swear or affirm that I personally obtained authorization for transporting the patient to ____________________ from the above-named
(FACILITY)

Administrator or his/her representative and that I was advised that documentation of this telephone call is maintained in the Administrator's files.

NAME AND ADDRESS

RELATIONSHIP TO PATIENT

PART III

WARRANT

(Check A or B)

A. [✓] Based upon representations made to me by Jennifer Jefferies
(NAME OF APPLICANT)

I hereby order that Steven Jefferies shall be taken to
(NAME OF PERSON)

and examined at Montgomery County Emergency Service and if required,
(NAME OF FACILITY)

shall be admitted to a facility designated for treatment for a period of time not to exceed 120 hours.

Name of facility designated for treatment if other than the facility conducting the examination:

____

SIGNATURE OF COUNTY ADMINISTRATOR OR HIS/HER REPRESENTATIVE — DATE 10/5/01

PRINT NAME OF COUNTY ADMINISTRATOR OR HIS/HER REPRESENTATIVE

DENIAL OF WARRANT

B. [ ] The request of the petitioner for a warrant is denied:

____

____

____

SIGNATURE OF COUNTY ADMINISTRATOR OR REPRESENTATIVE — DATE

PART IV
THE PATIENT'S RIGHTS

I affirm that when the patient arrived at Montgomery County Emergency Service
(NAME OF FACILITY)

I explained his rights to him/her. These rights are described in Form MH 783-A. I believe that he/she:

[X] does understand these rights.

[ ] does not understand these rights.

SIGNATURE OF PERSON EXPLAINING RIGHTS — DATE 10-5-01

PRINT NAME OF PERSON EXPLAINING RIGHTS

PART V

ACTIONS TAKEN TO PROTECT THE PATIENT'S INTEREST

I affirm that to the best of my knowledge and belief the following actions which were taken constituted all reasonable steps needed to assure that while the patient is detained the health and safety needs any of any his/her dependents are met and that his/her personal property and the premises he/she occupies are secure.

Describe the actions taken below. Use additional sheets if required.

Client has one child who will be cared for by client's wife

Client's property / premises secured by wife

[signature] 10-5-01

SIGNATURE OF COUNTY ADMINISTRATOR/REPRESENTATIVE OR THE DIRECTOR OF THE FACILITY OR REPRESENTATIVE — DATE

PRINT NAME OF COUNTY ADMINISTRATOR/REPRESENTATIVE/ DIRECTOR OF THE FACILITY OR REPRESENTATIVE

7

PART VI
PHYSICIAN'S EXAMINATION

I affirm that Jeffries, Steven arrived at this facility at 0013 (EXACT TIME)
I was examined by me at 1:45 Am. (EXACT TIME)

RESULTS OF EXAMINATION

FINDINGS: (Describe your findings in detail. Use additional sheets if necessary).

Pt is a Caucasian male, [illegible] has problems in his marriage. Denied suicide thoughts, or intent, [illegible] insight + poor in judgment.

TREATMENT NEEDED: (Describe the treatment needed by the patient. Continue on additional sheets if necessary).

Inpt tx
Stabilize on meds
Individual therapy

In my opinion: (Check A or B)

A. ☒ The patient is severely mentally disabled and in need of treatment. He should be admitted to a facility designated by the County Administrator for a period of treatment not to exceed 120 hours.

B. ☐ The patient is not in need of emergency involuntary treatment. He shall be returned to a place which he shall reasonably designate.

C. Alcantara MD — SIGNATURE OF EXAMINING PHYSICIAN

10-5-01 — DATE

C. ALCANTARA MD — PRINT NAME OF EXAMINING PHYSICIAN

MH 783 - 10/91

APPLICATION FOR EXTENDED INVOLUNTARY TREATMENT

MENTAL HEATLH PROCEDURES ACT OF 1976
(SECTION 303)

(The blanks below may be completed following admission)

NAME OF PATIENT	LAST Jefferies	FIRST Steven	MIDDLE	AGE 37	SEX M
NAME OF COUNTY PROGRAM Montgomery		NAME OF BSU Creative Health		BSU NO. 461	
NAME OF FACILITY MONTCO MH/MR EMERGENCY SERVICE		ADMISSION DATE 10/5/01		ADMISSION NO. 28171	

INSTRUCTIONS

1. Part I must be completed by the petitioner. The petitioner will generally be the director, acting director, or appropriate designated staff within the facility where the patient is being treated.

2. Part II is to be completed by persons authorized by the director of the facility to explain rights to the patients.

3. Part III is to be completed by a physician who has personally examined the patient.

4. Part IV is to be completed by a judge or a Mental Health Review Officer.

5. If additional sheets are needed at any point, note on this form the number of pages which are attached.

6. Attach a copy of the treatment plan and the 302 form prior to its delivery to the court..

7. The patient should receive a copy of MH 784-A, a copy of this petition, and a copy of Part I or the 302 form when this 303 form is filed with the court.

8. If the patient is subject to criminal proceedings/detention, briefly describe below.

____

____

____

IMPORTANT NOTICE

ANY PERSON WHO PROVIDES ANY FALSE INFORMATION ON PURPOSE WHEN COMPLETING THIS FORM MAY BE SUBJECT TO CRIMINAL PROSECUTION AND MAY FACE CRIMINAL PENALTIES INCLUDING CONVICTION OF A MISDEMEANOR.

EXHIBIT B

tabbies

MH 784 - 5/

PART I

REQUEST FOR CERTIFICATION

Steven Jeffries (NAME OF PATIENT) has acted in such manner as to cause a responsible party to believe that he/she is severely mentally disabled as specified in the attached 302 form. He/she was admitted to MCES (NAME OF FACILITY) for involuntary emergency examination and treatment on 10/5/01 (DATE) at 1145 AM (EXACT TIME) under Section 302. He/she was examined by Alcantara (NAME OF PHYSICIAN) and was found to be in need of continued treatment. I respectfully request, therefore, that he/she be certified by the court for extended involuntary emergency treatment under Section 303.

[signature] M.D. (SIGNATURE OF PETITIONER) 10/5/01 (DATE)

Staff Psychiatrist (TITLE OF PETITIONER)

PART II

THE PATIENT'S RIGHTS

I affirm that I have informed the patient of the actions I am taking and have explained to the patient these procedures and his/her rights as described in Form MH 784-A. I believe that he/she [X] understands, [ ] does not understand these rights.

[signature] (SIGNATURE OF PERSON GIVING RIGHTS) 10/5/01 (DATE)

PART III

PHYSICIAN'S EXAMINATION

I hereby affirm that I have examined Steven Jeffries (NAME OF PATIENT) on 10/5/01 (DATE) to determine if he/she continued to be severely mentally ill and in need of treatment.

RESULTS OF EXAMINATION

FINDINGS: (Describe your findings in detail. Use additional sheets if necessary.)

Pt is depressed, fearful ē ideas of hopelessness and guilt.

017948 MH 784 - 5/92

(CONTINUED ON NEXT PAGE)

TREATMENT NEEDED: (Describe the treatment needed by the patient. Continue on additional sheets if necessary.)

Inpatient pharmacotherapy
milieu therapy
psychotherapy

In my opinion: (Check A or B.)

A. [X] The patient continues to be severely mentally disabled and in need of treatment.

B. [ ] The patient is not severely mentally disabled and in need of involuntary treatment.

[signature] M.D. — 10/5/01

(SIGNATURE OF EXAMINING OR TREATING PHYSICIAN) (DATE)

PART IV
CERTIFICATION BY THE COURT FOR EXTENDED INVOLUNTARY EMERGENCY TREATMENT-SECTION 303

In the court of Common Pleas of Montgomery County

term, 19

In re: Steven Jefferies No. 01-57484

Certification for Extended Treatment

This 9th day of Oct., 2001 after hearing and consideration of (Details of findings. Include details as to what type and why treatment is needed. Attach reports, testimony, etc.)

Adjudication to petition (as amended) for up to 20 days inpatient care.

The court finds that the patient [☑ is ☐ is not] severely mentally disabled and in need of treatment. Accordingly, the court orders that: (Check A or B below)

A. ☑ Steven Jeffries receive: ☑ outpatient, ☐ partial hospitalization, ☐ inpatient treatment
(NAME OF PATIENT)

which is the least restrictive treatment setting appropriate for the patient at any approved facility as a severely mentally disabled person pursuant to the provisions of section 303 of the Mental Health Procedures Act of 1976 for a period of up to 20 days
(NAME OF FACILITY) (NOT TO EXCEED 20 DAYS)

B. ☐ The person is not subject to involuntary treatment.

I have explained to the patient that if his/her conference was before a Mental Health Review Officer he/she may petition the court for a review of any decisions reached at this conference.

(Check appropriate block)

☑ The patient was represented by Douglas Gould
(NAME OF ATTORNEY)

c/o Pizonka, McCann, K. of Prussia,
(ADDRESS OF ATTORNEY)

☐ The patient declined representation.

NOTICE

FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN YOUR RETURN TO INPATIENT STATUS. UPON ASCERTAINING NON-COMPLIANCE, THE COUNTY IS HEREBY AUTHORIZED TO HAVE YOU RETURNED AND ADMITTED TO A DESIGNATED HOSPITAL.

FOR THE COURT: [signature]

for the court [signature]

M.H.R.O.
(TITLE)

COMMONWEALTH
VS
STEVEN JEFFERIES
56 N. GRANGE AVENUE
COLLEGEVILLE, PA 19426
610-630-4124
SS: 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
DOB: 05/13/64

DOCKET #
MS 816 Oct 03

ORDER FOR RELIEF FROM FIREARMS PROHIBITION

AND NOW, this 16th day of Jan 2004, it is ordered and decreed that the petition, Steven Jefferies is granted relief from the Firearms Prohibition of 18 Pa.C.S. 6105(c)(4) to possess firearms that has been in effect since October 4, 2001 due to an involuntary mental health commitment under section 302 of the Mental Health Procedures Act at Montgomery County Emergency Services (MCES). The Court has determined that the petitioner is capable of possessing firearms without posing a danger to himself or others. Henceforth, the aforesaid commitment shall no longer render it unlawful for the petitioner to possess, use, control, sell, transfer, or manufacture firearms in accordance with all applicable state and federal laws, and shall in no way affect the outcome of any application made to the State Police on behalf of the petitioner regarding the same. ~~Accordingly, the Pennsylvania State Police shall expunge and destroy all records of this commitment from their files and give notice of this order to any other concerned agencies to whom they have reported information about the said commitment.~~

RJH

By the Court,

[signature]
J.

04 JAN 16 AM 10:21

EXHIBIT
C